

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Court File No. 13-MJ-0675 (JJG)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	ORDER OF REMOVAL AND
)	DETENTION
v.)	
)	
HOWARD WEBBER,)	
)	
Defendant.)	

This matter came before the Court on Friday, October 11, 2013 for a hearing on the defendant's removal to the Northern District of California. Also before the Court was the government's motion for detention. The United States was represented by Assistant United States Attorney John Docherty. The defendant was present personally and was represented by Assistant Federal Defender Shannon Elkins.

The Court has before it an indictment from the United States District for the Northern District of California, San Francisco Division, naming "Howard Webber" as a defendant. The defendant, in Court on October 11, 2013, stated that he understood his right to have the prosecution prove that he was the same Howard Webber as the Howard Webber named in the Northern District of California's indictment. The defendant then waived his right to an identity hearing and stated that he was the Howard Webber named in the Northern District of California's indictment. The Court questioned the defendant about this waiver and admission, and based on the defendant's answers to the Court's

questions and the representations of his counsel, the Court finds that both the waiver of an identity hearing and the admission of identity were knowing and voluntary. The Court finds that the defendant before this Court is the same Howard Webber as the defendant of that name charged in the indictment filed in court file number 13-662 in the Northern District of California.

The Court also explained to the defendant that he could have a hearing on the government's motion for detention. The defendant stated that he would reserve any argument he might make on the issue of detention to a future hearing in the Northern District of California and would not proceed with a detention hearing in the District of Minnesota. The Court questioned the defendant to ensure he understood his right to a prompt detention hearing in the District of Minnesota. Based on the defendant's answers to the Court's questions and the representations of his counsel, the Court is satisfied that the defendant's reservation of the detention issue to future proceedings in the Northern District of California is knowing and voluntary.

The Court therefore grants the government's motion for removal, and orders the defendant detained pending further proceedings in the Northern District of California.

IT IS THEREFORE ORDERED THAT:

1. The motion of the United States for detention is GRANTED;
2. The defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences, or being held in custody pending appeal;

3. The defendant shall be afforded reasonable opportunities to consult privately with his lawyer;
4. Upon Order of the Court or request of the United States Attorney, the person in charge of the corrections facility in which the defendant is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding;
5. This Order is without prejudice to the defendant raising the issue of detention in the Northern District of California in the future; and
6. The motion of the United States for removal is GRANTED: the defendant is ordered removed by the United States Marshals Service to the Northern District of California for further proceedings in this matter.

Dated: October 15, 2013

s/Arthur J. Boylan
The Honorable Arthur J. Boylan
Chief United States Magistrate Judge